

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM H. AGNEW, et al., : CIVIL ACTION
Plaintiffs, : NO. 10-MC-58
v. :
E*TRADE SECURITIES LLC, :
Defendant. :
:

O R D E R

AND NOW, this **8th** day of **September, 2011**, after a hearing on the matter on September 8, 2011, it is hereby **ORDERED** that:

1. E*Trade's Motion to Set Aside Default (doc. no. 44) is **GRANTED** and E*Trade's related Motion for Leave to File Reply Brief (doc. no. 46) is **DENIED as moot**.

2. E*Trade is shall make \$10,000 payable to the Clerk of the Court by **September 23, 2011** and the Clerk of the Court shall deposit this payment.

3. E*Trade shall reimburse Petitioners and the United States Marshals Service for their costs in attempting to serve Defendant.¹ Petitioners shall file an Affidavit of Costs and Fees associated with their attempts to serve Defendants by **September 30, 2011**. The United States Marshals Service for the

¹ Defendant shall reimburse Petitioners and the Marshals because Defendant agreed during the hearing held on August 22, 2011 to do so and because the Court finds that Defendant has acted in bad faith.

Eastern District of California, for the Middle District of Pennsylvania, and the Eastern District of Pennsylvania shall provide the Court an Affidavit of Costs and Fees associated with their attempts to serve Defendant by **September 30, 2011**. E*Trade shall file any objections to the Affidavits of Costs and Fees filed by Petitioners or the U.S. Marshals Service, by October 14, 2011.

4. As all Rules to Show Cause issued by the Court in previous Orders (doc. nos. 35, 42, & 43) have been addressed, they are now **DISSOLVED**.

3. Petitioners' Motion for Leave to File an Amended Motion (doc. no. 37) and Amended Motion to Vacate FINRA Arbitration Award (doc. no. 38) are **DENIED as moot**.

AND IT IS SO ORDERED.

S/Eduardo C. Robreno
EDUARDO C. ROBRENO, J.